

In the absence of this special technical feature, the method would not operate as described and the detector would not produce the results intended and found.

Applicants note that the closest prior art known to them is U.S. Patent Number 5,767,683 which arose from a domestic application and includes claims to both a detector and a method of operating said detector. Related U.S. Patent Number 5,859,362 was granted with claims both to a method for detection of cocaine and a sampling device for use in the method.

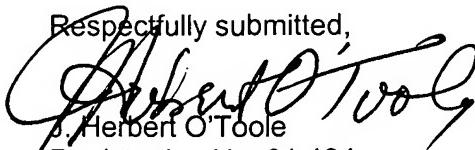
When making a Restriction Requirement, the Office must establish that the inventions are independent and that searching both would place a serious burden on the Examiner (c.f. TC 1600, Restriction Training for Examiners, August 2004, USPTO Academy). From the examples presented *supra*, the searches in each group would be essentially coterminous. There also exists a potential double patenting question under Bristo-Myers, Squibb Co. v. Pharmachemie BV Fed. Cir. 2004.

The Requirement has been TRAVERSED.

For purposes of completeness, Applicants make a pro forma election of Group II.

Applicants note that item 12 of PTOL-326 has not been checked. A copy of PCT/1B/304 indicating transmittal of the priority document to the International Bureau is included herewith.

Respectfully submitted,



Herbert O'Toole  
Registration No. 31,404  
Attorney for Applicant(s)  
NEXSEN PRUET, LLC  
P.O. Box 10107  
Greenville, SC 29603  
Telephone: 864/ 370- 2211  
Facsimile: 864/ 282-1177

Enclosures: Transmittal Notice; Supplemental IDS

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as 1<sup>st</sup> class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

on 2-27-07 by Jacqueline Beavers

